

Remark

Applicants respectfully request reconsideration of this application as amended. Claims 1-49 have been cancelled. Claims 50-76 are new. Therefore, claims 50-76 are present for examination.

Claim Objections

The Examiner has objected to claims 35, 41 and 48 for lack of antecedent basis. The new claims are believed to traverse this rejection.

Double Patenting

The Examiner has rejected claims 30-34 under 35 U.S.C. 101 as claiming the same invention as that of claims 1-5 of prior U.S. Patent No. 6,212,173. The rejected claims have been amended and the same invention rejection is believed to be traversed by the new claims.

The Examiner has rejected claims 35-49 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,212,173. The new claims are believed to traverse this rejection as well.

35 U.S.C. §102 and §103 Rejections*Anderson et al. and Ketseoglou*

The Examiner has rejected claims 36-48 as unpatentable in light of Anderson et al., U.S. Patent No. 6,161,013 ("Anderson") and Ketseoglou, U.S. Patent No. 6,130,886 ("Ketseoglou"). These claims are cancelled.

Patentable Subject Matter

The Examiner has made no art-based rejections of Claims 30-35. The new claims are based on canceled claims 30-35. All of the new claims are believed to be allowable on the same grounds as canceled claims 30-35. While claims 30-35 were directed to a system having a user terminal and base stations, the new claims express the invention from the perspective either of a user terminal (Claims 50-60, 68-71) or of the base stations (Claims 61-67, 72-76), respectively. These claims are believed to relate to the same invention recited from different perspectives. Some details of canceled claims other than 30-35 have been used as the basis for some of the dependent claims. Accordingly, no new issues for further consideration or search have been raised.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

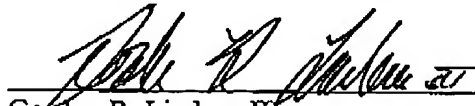
Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 2/9/5


Gordon R. Lindeen III
Reg. No. 33,192

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1026
(303) 740-1980

Attorney Docket No. 42P11527D3
Application No. 10/036,302

11